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Attorney for Defendants
Municipality of Anchorage
Andrew Cottle
Gregory Witte
Kenneth McCoy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

PATRICK L. SHORTY

Plaintiff,

vs.

MUNICIPALITY OF ANCHORAGE, OFFICER
ANDREW COTTLE, INDIVIDUALLY AND IN
HIS CAPACITY AS AN ANCHORAGE POLICE
OFFICER, OFFICER WITTE, INDIVIDUALLY
AND IN HIS CAPACITY AS AN ANCHORAGE
POLICE OFFICER, KENNETH D. MCCOY,
INDIVIDUALLY AND IN HIS CAPACITY AS
AN ANCHORAGE POLICE OFFICER

Defendants.

Case No. 3:05-cv-00237-TMB

DEFENDANTS' MOTION FOR EXTENSION OF TIME
TO FILE DISPOSITIVE MOTIONS

The Defendants, Municipality of Anchorage, Officer Andrew Cottle, Officer Gregory Witte and Officer Kenneth D. McCoy, by and through counsel, hereby move this

court for an extension of the October 31, 2006 deadline in which to file dispositive motions in the present matter. The Defendants request an extension of time until December 22, 2006 in which to file dispositive motions.

The extension is needed because Plaintiff is scheduled for trial in Anchorage Superior Court on November 13, 2006 in case Number 3AN 03-07796 CR . Among the charges against the Plaintiff are two which have direct bearing on this litigation: Resisting Arrest (AS 11.56.700(A)(1)) and Making a False Police Report (AS 11.56.800(A)(1)). The Police Officers who are defendants in this civil case are witnesses in the criminal trial. Additionally, citizen witnesses who witnessed the events underlying Mr. Shorty's complaint in the present matter are listed as witnesses in the upcoming criminal trial. Undersigned counsel has spoken with the district attorney prosecuting the criminal case and was provided an estimate of three to four weeks for trial. Affidavit of Counsel Elizabeth D. Friedman.

Undersigned counsel anticipates that the testimony in the criminal case will provide needed support for summary judgment motions in the present case, including but not limited to qualified immunity.

DATED this 26th day of October, 2006.

JAMES N. REEVES
MUNICIPAL ATTORNEY

/s/ Elizabeth D. Friedman
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The undersigned hereby certifies that on 10/26/06 a true and correct copy of the *Defendants' Motion for Extension of Time to File Dispositive Motions* was served on:

Patrick L. Shorty,
c/o 425 G St. Ste 600,
Anchorage, Alaska 99501

by first class regular mail, if noted above, or by electronic means through the ECF system as indicated on the Notice of Electronic Filing.

s/ Cathi Russell
Cathi Russell, Legal Secretary
Municipal Attorney's Office